

ALAN W. SPARER (No. 104921)
MARC HABER (No. 192981)
JAMES S. NABWANGU (No. 236601)
LAW OFFICES OF ALAN W. SPARER
100 Pine Street, 33rd Floor
San Francisco, California 94111-5128
Telephone: 415/217-7300
Facsimile: 415/217-7307
asparer@sparerlaw.com
mhaber@sparerlaw.com
jnabwangu@sparerlaw.com

Attorneys for Plaintiffs
MICHAEL B. ESHELMAN, D.D.S.; PETER
F. SILCHER, D.D.S.; and LORI I. SILCHER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MICHAEL B. ESHELMAN, D.D.S.; PETER
F. SILCHER, D.D.S.; and LORI I. SILCHER,

Plaintiffs,

v.

ORTHOCLEAR HOLDINGS, INC. a British
Virgin Islands Company; ORTHOCLEAR,
INC., a Delaware Corporation;
MUHAMMAD ZIAULLAH CHISHTI, an
individual; HUAFENG "CHARLES" WEN,
an individual; PETER RIEPENHAUSEN, an
individual; ARTHUR T. TAYLOR, an
individual; SAIYED ATIQ RAZA, an
individual; CHRISTOPHER KAWAJA, an
individual; PATRICIA HUMELL SEIFERT,
an individual; JOSEPH BREELAND, an
individual; MUDASSAR RATHORE, an
individual; PAUL BADAWI, an individual;
3i Technology Partners III, LP; and DOES 1
through 25, inclusive,,

Defendants.

No. C 07 1429 JSW

Action Filed: March 12, 2007

STIPULATED REQUEST AND
~~PROPOSED~~ ORDER EXTENDING TIME

STIPULATED REQUEST FOR ORDER EXTENDING TIME

Pursuant to Local Rules 6-2 and 7-12, Plaintiffs Michael B. Eshelman, D.D.S., Peter F. Silcher, D.D.S., and Lori I. Silcher (“Plaintiffs”) and Defendants Ocumenta Capital Holdings, Inc. (f/k/a OrthoClear Holdings, Inc.) (“OrthoClear”), Muhammad Ziaullah Chishti, Huafeng “Charles” Wen, Peter Riepenhausen, Arthur T. Taylor, Saiyed Atiq Raza, Christopher Kawaja, Patricia Humell Seifert, Joseph Breeland, Paul Badawi, 3i Technology Partners III, LP (“3i”) (collectively “Defendants”), request that the Court enter an order adopting the briefing and hearing schedule below in connection with Defendants’ previously filed and planned motions pursuant to Rule 12(b)(6).

STIPULATION

WHEREAS on July 24, 2007, Plaintiffs filed their Second Amended Complaint;

WHEREAS on August 7, 2007, Defendants 3i and Badawi filed a motion to dismiss pursuant to Rule 12(b)(6) that is currently scheduled to be heard on October 26, 2007;

WHEREAS the remaining Defendants currently are required to respond to the Second Amended Complaint no later than September 10, 2007;

WHEREAS the Parties plan a mediation to occur before further briefing of the motions to dismiss described below; and

WHEREAS the Parties believe that rescheduling the motions to dismiss will aid their efforts to resolve this case by reducing litigation costs.

NOW THEREFORE, the Parties hereby stipulate that (1) any and all of Defendants’ motions to dismiss pursuant to Rule 12(b)(6) will be heard on December 7, 2007 at 9:00 a.m.; (2) Defendants other than Badawi and 3i will file their motions on October 26, 2007; (3) Plaintiffs will file their oppositions to Defendants’ motions on or before November 9, 2007; and (4) Defendants will file any reply on or before November 16, 2007.

1 DATED: September 10, 2007

LAW OFFICES OF ALAN W. SPARER

2
3 By: _____/s/
ALAN W. SPARER

4 Attorneys for Plaintiffs

5
6 Concurrence in the filing of this document has been obtained by each of the other signatories.

7 DATED: September 10, 2007

SHARTSIS FRIESE LLP

8
9 By: _____/s/
ARTHUR J. SHARTSIS

10 Attorneys for Defendants Ocumenta, Inc. and
11 Ocumenta Holdings, Inc. (f/k/a OrthoClear, Inc. and
12 OrthoClear Holdings, Inc. respectively), Chishti,
Wen, Riepenhausen, Taylor, Raza, and Breeland

13 DATED: September 10, 2007

ROBIE & MATTHAI

14
15 By: _____/s/
EDITH R. MATTHAI

16 Attorneys for Defendant Seifert

17
18 DATED: September 10, 2007

MCDERMOTT WILL & EMERY

19
20 By: _____/s/
DAVID ALEXANDER

21 Attorneys for Defendant Kawaja

1 DATED: September 10, 2007

ROPES & GRAY

2
3 By: _____/s/
4 RANDALL W. BODNER

5 Attorneys for Defendant 3i

6
7 **ORDER**

8 This Court, having reviewed this Stipulation of the parties, and good cause appearing
9 therefore, orders that (1) Defendants' motions to dismiss pursuant to Rule 12(b)(6) will be heard
10 on December 7, 2007 at 9:00 a.m.; (2) Defendants other than Badawi and 3i will file their
11 motions to dismiss on October 26, 2007; (3) Plaintiffs will file their oppositions to all of
12 Defendants' motions to dismiss on or before November 9, 2007; and (4) Defendants will file any
13 reply on or before November 16, 2007.

14 **IT IS SO ORDERED.**

15 Dated: September 11, 2007

16
17 
18 HON. JEFFREY S. WHITE
19 UNITED STATES DISTRICT COURT JUDGE
20
21
22
23
24
25
26
27
28